

REFERENCE TITLE: *retirement age; justices and judges*

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

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Introduced by
Representatives Driggs: Barto, Crandall, Crump, Goodale

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI,
SECTIONS 20 AND 39, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL
DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article VI, sections 20 and 39, Constitution of Arizona, are
4 proposed to be amended as follows, if approved by the voters and on
5 proclamation of the Governor:

6 20. Retirement and service of retired justices and
7 judges

8 Section 20. A. The legislature shall prescribe by law a
9 plan of retirement for justices and judges of courts of record,
10 including the basis and amount of retirement pay, and requiring,
11 except as provided in section 35 of this article, that justices
12 and judges of courts of record be retired ~~upon~~ ON reaching ~~the~~
13 ~~age of seventy~~ SEVENTY-FIVE YEARS OF AGE.

14 B. Any retired justice or judge of any court of record
15 who is drawing retirement pay may serve as a justice or judge of
16 any court. When serving outside ~~his~~ THE JUSTICE'S OR JUDGE'S
17 county of residence, any such retired justice or judge shall
18 receive ~~his~~ necessary traveling and subsistence expenses. A
19 retired judge who is temporarily called back to the active
20 duties of a judge is entitled to receive the same compensation
21 and expenses as other like active judges less any amount
22 received for such period in retirement benefits.

23 39. Retirement of justices and judges; vacancies

24 Section 39. A. On attaining ~~the age of seventy~~
25 SEVENTY-FIVE years OF AGE a justice or judge of a court of
26 record shall retire and ~~his~~ THE JUSTICE'S OR JUDGE'S judicial
27 office shall be vacant, except as otherwise provided in section
28 35 of this article. In addition to becoming vacant as provided
29 in this section, the office of a justice or judge of any court
30 of record becomes vacant ~~upon his~~ ON THE JUSTICE'S OR JUDGE'S
31 death, ~~or his~~ voluntary retirement pursuant to statute or ~~his~~
32 voluntary resignation, and also, as provided in section 38 of
33 this article, ~~upon~~ ON the expiration of ~~his~~ THE JUSTICE'S OR
34 JUDGE'S term next following a general election at which a
35 majority of those voting on the question of ~~his~~ THE JUSTICE'S OR
36 JUDGE'S retention vote in the negative or for which general
37 election ~~he~~ THE JUSTICE OR JUDGE is required, but fails, to file
38 a declaration of ~~his~~ desire to be retained in office.

39 B. This section is alternative to and cumulative with the
40 methods of removal of judges and justices provided in ARTICLE
41 VIII, parts 1 and 2 ~~of article 8~~ and article ~~6.1 of this~~
42 ~~Constitution VI.I.~~

43 2. The Secretary of State shall submit this proposition to the voters
44 at the next general election as provided by article XXI, Constitution of
45 Arizona.